



US Army Corps  
of Engineers  
Seattle District

# Public Notice

## Proposal to Issue a Regional General Permit

Regulatory Branch  
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Telephone (206) 764-3495  
ATTN: Jim Green or Jessica Gramling,  
Project Managers

Public Notice Date: 8 August 2002  
Public Notice Expiration Date: 9 September 2002  
Reference: CENWS-OD-RG-RGP-3  
Name: Lake Washington New or Expanded Piers

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Interested parties are hereby notified that, in accordance with 33 CFR 325.3(e), the Seattle District of the U.S. Army Corps of Engineers (Corps) is proposing to issue a regional general permit (RGP) that would authorize the work described herein, pursuant to Section 10 of the Rivers and Harbors Act of 1899 (33 U.S.C. 403) and Section 404 of the Clean Water Act (33 U.S.C. 1344).

PERMIT NUMBER – CENWS-OD-RG-RGP-3

PERMIT TITLE – The proposed regional general permit (RGP) is titled “Construction of New or Expansion of Existing Residential Overwater Structures and Drive Moorage Piling in Lake Washington, Lake Sammamish, the Sammamish River and Lake Union, Including the Lake Washington Ship Canal” (see enclosed RGP proposal).

ISSUING OFFICE – U.S. Army Corps of Engineers, Seattle District  
Regulatory Branch, CENWS-OD-RG  
P.O. Box 3755  
Seattle, Washington 98124-3755

LOCATION OF AUTHORIZED ACTIVITIES – The proposed RGP would be applicable in Lake Washington, Lake Sammamish, the Sammamish River, and Lake Union, including the Lake Washington Ship Canal.

WORK – The activities that would be eligible for authorization under the proposed RGP are described in the enclosed draft RGP. They include the construction of new or expansion of existing residential overwater structures and drive of mooring piling.

PURPOSE – The purpose of establishing this RGP process is to expedite the authorization of recurring activities that are similar in nature and have minor individual and cumulative adverse impact on the aquatic environment. Use of this RGP would reduce the amount of paperwork and time required to authorize qualifying projects by making available for public use an already issued Department of Army RGP that will likely include a concluded Endangered Species Act Section 7 consultation, Essential Fish Habitat consultation, State water quality certification, and coastal zone management consistency concurrence.

The proposed RGP contains provisions intended to protect the environment, endangered species, and cultural resources. Work that would not comply with the provisions of the RGP would not be authorized by this permit and may require Department of the Army authorization by a standard individual permit. Moreover, compliance with the provisions of this RGP would not in itself guarantee that the work is authorized by this RGP. Activities that appear to comply with the provisions of this RGP but would have an unacceptable

adverse impact on the public interest would not be authorized by this permit.

ENDANGERED SPECIES – The Endangered Species Act of 1973 (ESA), as amended, requires all Federal agencies to consult with the National Marine Fisheries Service (NMFS) and/or U.S. Fish and Wildlife Service (FWS), pursuant to Section 7 of the ESA, on any action, or proposed action, permitted, funded, or undertaken by the agency that may affect a species listed as threatened or endangered under the ESA, or its designated critical habitat. The Corps has determined that activities that would be authorized by this RGP may affect federally listed species, including Chinook salmon, bull trout, and the bald eagle, and, therefore, will consult with the NMFS and FWS.

ESSENTIAL FISH HABITAT – The Magnuson-Stevens Fishery Conservation and Management Act, as amended by the Sustainable Fisheries Act of 1996, requires all Federal agencies to consult with the NMFS on all actions, or proposed actions, permitted, funded, or undertaken by the agency that may adversely affect Essential Fish Habitat (EFH). The EFH has been designated for Pacific salmon in Lake Washington, Lake Sammamish, the Sammamish River, and Lake Union, including the Lake Washington Ship Canal. If the Corps determines that issuance of this RGP may adversely affect EFH for federally managed fisheries in Washington waters, the Corps will initiate consultation with the NMFS. The EFH consultation will be conducted in conjunction with ESA consultation.

CULTURAL RESOURCES – The locations of activities that might be authorized by the proposed RGP are not known and, therefore, the District Engineer cannot determine at this time whether any of the activities that would be authorized by the proposed RGP may affect an historic property listed, or eligible for listing, in the National Register of Historic Places (NRHP). However, if issued, the proposed RGP would not authorize any activity that may affect historic properties listed, or eligible for listing, in the NRHP until the provisions of 33 CFR 325, Appendix C, have been satisfied. A prospective permittee would not be authorized to conduct the activity until notified by the District Engineer that the requirements of the National Historic Preservation Act have been satisfied and that the activity is authorized.

The District Engineer invites responses to this public notice from Federal, State, and local agencies, historical and archeological societies, Indian tribes, and other parties with knowledge of, or concerns with, historic properties.

TRIBAL CONSULTATION – This area supports usual and accustomed fishing areas of the Muckleshoot Tribe. The Corps has and will continue to consult with the Tribe for this proposed regional permit. The consultation may result in additional restrictions and/or coordination measures to protect tribal rights.

PUBLIC HEARING – Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing.

EVALUATION – The decision whether to issue the proposed permit will be based on an evaluation of the probable impact, including cumulative impacts of the authorized activities on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefits which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

The Corps is soliciting comments from the public; Federal, State, and local agencies and officials; Indian tribes; and other interested parties in order to consider and evaluate the impacts of this proposal. Any comments received will be considered by the Corps in determining whether or not to issue the proposed permit. Comments are used to help the Corps assess likely impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and the overall public interest of the activity.

The evaluation of the likely impact of the proposal on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act (CWA).

ADDITIONAL EVALUATION – The Washington Department of Ecology (Ecology) will determine, pursuant to Section 401 of the CWA and Chapters 173-225 of the Washington Administrative Code whether the activities that would be authorized by the proposed RGP and for which Ecology is responsible will comply with established water quality standards.

Ecology will also determine, pursuant to the requirements of the U.S. Coastal Zone Management Act (16 U.S.C. 1452 et seq.) and its implementing regulations (15 CFR 923-930), whether the activities that would be authorized by the proposed RGP and for which Ecology is responsible will be consistent with the State's Coastal Zone Management program.

COMMENT AND REVIEW PERIOD – Comments on this proposal will be accepted and made part of the record and will be considered in determining whether it would be in the best public interest to issue the proposed permit. Comments should reach this office, Attn: Regulatory Branch, not later than the expiration date of this public notice to ensure that they can be considered. Please include in your comments the following name and RGP number:

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